IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 6022 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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STATE OF GUJARAT

Versus

SANJAYKUMAR KUBERBHAI CHAUDHARI

Appearance:

1. Criminal Misc.Application No. 6022 of 2001

MR RC KODEKAR, Ld. APP for Petitioner No. 1

MR BG JANI for Respondent No. 1

MR RC JANI for Respondent No. 1

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 06/04/2002

ORAL JUDGEMENT

Heard the learned Counsel for the parties. The State of Gujarat has filed this application for

cancellation of bail granted by the Additional Session Judge, Mehsana Camp, Patan, by his impugned judgement and order dated 1-8-2001, releasing the respondent-accused on bail on certain terms and conditions in serious offence under Section 376 IPC.

2. While issuing notice, the learned Single Judge of this Court stayed the operation of the order passed by the learned Additional Sessions Judge, releasing the respondent-accused on bail. Thus, since 8th August, 2001, the impugned order passed by the Additional Sessions Judge has remained stayed.

3. Any opinion expressed by this Court on merit of the case is likely to come in the way of the accused. Therefore, it was rightly submitted by the learned Advocate, Mr.Jani for the respondent-accused that without assigning any reasons, the impugned order may be quashed and set aside and learned trial Judge be directed to decide the case as early as possible. This was not objected by the learned APP, Shri Kodekar for the applicant State.

4. In view of the above, the impugned judgement and order dated 1-8-2001 passed by the learned Additional Sessions Judge, Mehsana Camp, Patan in Criminal Misc. Application No.694 of 2001, releasing the respondent-accused on certain terms and conditions is hereby quashed and set aside with a direction to the learned trial Judge to expedite the trial at the earliest and in any case not later than 31st December, 2002, provided the accused fully cooperates with the trial and he shall not ask for any adjournment for any reason. The learned APP, Shri Kodekar assures this Court that his counterpart before the trial Court shall see to it that the trial is completed as early as possible and in any case not later than 31st December, 2002, as directed earlier. It is made clear that the concerned Judge of this case has to comply with this order and any breach of this order will be viewed very seriously. It is also made clear that any observations made by the learned Additional Sessions Judge in his impugned judgement and order dated 1-8-2001, releasing the accused on bail shall not be taken into consideration while deciding the case. It goes without saying that the learned Judge has to decide the case on the evidence led before him.

5. With the above observations and directions, this application is allowed. Rule made absolute accordingly.

6-4-2002 (B.J.Shethna, J.)

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